

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIK LYBARGER, :  
Petitioner :  
v. : Case No. 3:13-cv-65-KRG-KAP  
JOHN PREBISH, WARDEN, :  
CAMBRIA COUNTY PRISON, :  
Respondent :  
:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with 28 U.S.C. § 636(b)(1), and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on April 2, 2013, docket no. 3, recommending that the petitioner's petition for a writ of habeas corpus be dismissed without an answer and that no certificate of appealability be issued.

The petitioner was notified that pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to file written objections to the Report and Recommendation. Petitioner filed objections, docket no. 7, docket no. 8, that are meritless, and an appeal, docket no. 15, from the denial of several motions filed by petitioner.

After de novo review of the record of this matter together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 29<sup>th</sup> day of April, 2013, it is  
ORDERED that the petitioner's petition for a writ of  
habeas corpus is denied and dismissed without a certificate of  
appealability. The appeal at docket no. 15 from the orders at  
docket no. 10 and docket no. 14 is denied. The Report and  
Recommendation is adopted as the opinion of the Court. The Clerk  
shall mark this matter closed.

BY THE COURT:



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KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

Erik Lybarger 12-551  
Cambria County Prison  
425 Manor Drive  
Ebensburg, PA 15931